

TENNESSEE BOARD OF FUNERAL DIRECTORS AND EMBALMERS

MINUTES OF BOARD MEETING

SEPTEMBER 9, 2008

President Stephen Murphy called the meeting to order at 10:00 A.M. in Conference Room 160, Davy Crockett Tower, Nashville, Tennessee.

Board members present were Stephen Murphy, President, Dennis Hamilton, Paula Bridges, Jill Horner, Eugene Williams and John Ray Clemmons. Board member David Murphy was absent.

Staff members present were Robert Gribble, Executive Director, and Adrian Chick, Staff Attorney.

WELCOME NEW BOARD MEMBER:

Board President Stephen Murphy welcomed new board member John Ray Clemmons, an attorney, who is the board member that is not engaged in the business of a funeral director or embalmer or otherwise commercially associated with any funeral establishment.

ADOPTION OF AGENDA:

A motion was made by Mr. Eugene Williams to approve the agenda as printed.

Seconded by Ms. Paula Bridges

Adopted by voice vote

APPROVAL OF MINUTES:

A motion was made by Mr. Dennis Hamilton to approve the minutes of the August 12, 2008 Board Meeting.

Seconded by Mr. Eugene Williams

Adopted by voice vote

LEGAL REPORT:

ADRIAN CHICK, STAFF ATTORNEY

1. Case No.: L08-FUN-RBS-2006045211
2. Case No.: L08-FUN-RBS-2006044541
3. Case No.: L08-FUN-RBS-2006044551

These complaints were opened against the Respondent's establishment license, funeral director license, and embalmer license, based on criminal charges brought against him. Following a jury trial on these charges, the Respondent was found not guilty.

Recommendation: Dismiss all three complaints.

A motion was made by Mr. Dennis Hamilton to accept Counsel's recommendation.

Seconded by Ms. Jill Horner

Adopted by voice vote

**ADMINISTRATIVE MATTERS:
ROBERT B. GRIBBLE, EXECUTIVE DIRECTOR**

**REPORT OF LICENSES ISSUED AUGUST 12, 2008 – SEPTEMBER 8, 2008
BY EXECUTIVE DIRECTOR AS PER BOARD AUTHORITY**

Establishments

Woodbine Funeral Home, Inc., Waller Chapel Nolensville, TN	New Establishment
Henry Louis Smith Funeral Directors & Cremation Services Nashville, TN	New Establishment
Spencer Funeral Home Spencer, TN	Change of Name
Cumberland Funeral Home Monteagle, TN	Change of Location
Akins Funeral Home, Inc. Copperhill, TN	Change of Location

Individuals

Jennifer Ann DiCamillo Millington, TN	Funeral Director/Embalmer Reciprocity
Troy M. Broady Woodlawn, TN	Embalmer Reapplication

Ralph Marlowe Wood
Memphis, TN

Funeral Director
Reciprocity

CLOSED ESTABLISHMENT REPORT:

Closed Establishments:

No establishments have reported closing since the last board meeting:

DISCIPLINARY ACTION REPORT:

The Board has previously authorized these consent orders and civil penalties. The Consent Orders have been signed and the civil penalties paid by the respondents. The Executive Director requests the Board's acceptance of the following consent orders.

Complaint No. 2008002641

Violation: Statement of Funeral Goods and Services Selected fails to disclose that the price being charged for a specific cash advance item is not the same as the cost to the funeral provider

Action: \$250 Civil Penalty

Complaint No. 2008013721

Violation: FTC Rules

Action: \$250 Civil Penalty

Complaint No. 2008013771

Violation: Numerous FTC Rules and the current license of a funeral director was not available for inspection

Action: \$500 Civil Penalty

Complaint No. 2008008301

Violation: Aiding or abetting an unlicensed person in the practice of embalming

Action: \$500 Civil Penalty

Complaint No. 2008011271

Violation: Failure to make records available for inspection and caskets in selection room did not match Casket Price List

Action: \$350 Civil Penalty

Complaint No. 2008005651

Violation: Numerous FTC Rules including failure to make records available for inspection

Action: \$750 Civil Penalty

Complaint No. 2008013751

Violation: FTC Rules, the licenses of funeral directors and an embalmer were not available for inspection and failure to maintain a copy of the latest inspection report for the crematory that the funeral home uses

Action: \$500 Civil Penalty

Complaint No. 2008013691

Violation: The prices charged to consumers were greater than the stated amount on applicable price lists, resulting in an overcharge to families

Action: \$500 Civil Penalty

A motion was made by Ms. Jill Horner to approve the Executive Director's request for the Board's acceptance of the above listed Consent Orders.

Seconded by Mr. Eugene Williams

Adopted by voice vote

OPEN COMPLAINT REPORT:

As of September 5, 2008, there were 94 open complaints.

APPROVAL OF INDIVIDUAL LICENSE:

Upon motion, based upon application record, the following individual was approved for licensure:

**Beau Allen Beaty
Seymour, TN**

Funeral Director and Embalmer

TABLED REQUEST FOR INDIVIDUAL LICENSE:

**James William Ford, Jr.
Somerville, TN**

**Funeral Director
Reapplication**

The members discussed Mr. Ford's appearance at the August 2008 meeting and whether he made untruthful statements to the Board. Mr. Ford acknowledged to the Board that he made a mistake at the earlier meeting.

A motion was made by Mr. Dennis Hamilton to table consideration of Mr. Ford's application for reinstatement of a funeral director's license until the October 2008 board meeting.

Seconded by Ms. Jill Horner

Adopted by voice vote

ESTABLISHMENT APPLICATION:

**CREMATION AND FUNERAL SERVICES OF TENNESSEE
572 HIGHWAY 70
PEGRAM, TN**

New Establishment

Ownership: Sole Proprietor

Owner: Jason Mosier of Pegram, Tennessee

After communication with the staff attorney and during the long discussion of this establishment application, President Stephen Murphy recused himself from the further proceedings. In the absence of Vice-President David Murphy, Mr. Dennis Hamilton was appointed by the President to preside over the additional events in consideration of this application.

Different board members expressed concern as to whether this is a distinct establishment that is a fixed place of business devoted to the care and preparation of dead human bodies. One of the board members commented that the proposed location appeared to be devoted to the landscaping business.

Mr. John Clemmons requested a list, if any, of exceptions made by previous boards related to the approval of establishments that were granted a license in a strip mall or office complex.

Mr. John Clemmons made a motion to table consideration of this application until the October 2008 meeting.

Seconded by Ms. Paula Bridges

Adopted by voice vote

ADJOURN:

A motion was made by Ms. Paula Bridges to adjourn.

Seconded by Mr. Eugene Williams

Adopted by voice vote

There being no further business, the meeting was adjourned by President Stephen Murphy at 11:25 A.M.

Respectfully submitted,

Robert B. Gribble

Robert B. Gribble, CFSP
Executive Director